

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HUAWEI TECHNOLOGIES CO., LTD.,
HUAWEI DEVICE USA, INC., and
HUAWEI TECHNOLOGIES USA, INC.,

Plaintiffs / Counterclaim-
Defendants,

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC..

Defendants / Counterclaim- Plaintiffs,

and

SAMSUNG RESEARCH AMERICA,

Defendant,

V.

HISILICON TECHNOLOGIES CO., LTD.
Counterclaim-Defendant.

Case No. 3:16-cv-2787-WHO

JOINT CASE MANAGEMENT CONFERENCE STATEMENT

Date: January 19, 2018
Time: 2:00 p.m.
Dept.: Courtroom G, 15th Floor
Judge: Honorable Joseph C. Spero
Trial Date: December 3, 2018

Pursuant to the Court’s “Notice of Reference and Order re Discovery and Case Management Procedures” (Dkt. 189), Federal Rule of Civil Procedure 26(f), Civil Local Rule 16-9(a), and the Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement, Plaintiffs/Counterclaim-Defendants Huawei Technologies Co., Ltd., Huawei Device USA, Inc., and Huawei Technologies USA, Inc., and Counterclaim-Defendant Hi-Silicon Technologies Co. Ltd. (collectively, “Huawei”) and Defendants/Counterclaim-Plaintiffs Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc., and Defendant Samsung Research America (collectively “Samsung”) jointly submit this Case Management Statement.

The Court ordered the parties to submit an updated joint case management conference statement on January 12, 2018, to address at least the issue of case narrowing. *See* Dkt. 207 at 1.

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1 **I. NARROWING OF ACCUSED PRODUCTS, AS REQUIRED BY JUDGE ORRICK**

2 **1. Joint Statement**

3 The parties have reached agreement, subject to the Court's approval, on how to proceed with
 4 narrowing of accused products for trial. This agreement resolves the parties' dispute about how to
 5 count a "product" for purposes of case narrowing.

Date	Current Court Language	Agreed Revision
Now	No more than 22 products	No more than 32 models
03/16/18 (after fact discovery)	No more than 18 products	No more than 27 models
06/15/18 (after expert discovery)	No more than 15 products	No more than 23 models
10/19/18 (before pretrial)	No more than 10 products	No more than 15 models

6 In addition, the parties have agreed that, should the Court permit the Samsung Galaxy Note 8
 7 to be added to the case, it will be counted as a single model on the four carrier networks to which
 8 Huawei has limited its claims for trial based on the fact that all of those models use the same
 9 baseband processor (which is also used in the Samsung Galaxy S8 and S8+) and all have the same
 10 build ID.

11 **2. Huawei's Statement Regarding Representative Products**

12 Huawei believes that—pending the outcome of discovery—it is likely to be appropriate for
 13 the parties to enter into representative products stipulation (or for the Court to enter an order)
 14 providing, for example, that an adjudication of infringement with respect to any given model would
 15 be deemed to apply to any other models that utilize the same baseband processor. Huawei believes
 16 that this approach would address Judge Orrick's primary goal of simplifying the trial without
 17 unjustifiably limiting the extent to which the trial will actually resolve the parties' overall dispute.

18 **3. Samsung's Further Statement**

19 Samsung disagrees that the Parties need to enter into a representative products
 20 stipulation. The Court's Case Narrowing Order (Dkt. 143) was set forth to specifically address the
 21 issues of simplifying this case for trial. The Court's Order set forth a case narrowing schedule that
 22 permits both parties to present their claims and defenses in a two-week trial. (See Dkt. 143 ("Given
 23 that these estimates were based on the full scope of the case prior to any narrowing of patent issues,
 24 it seems plausible that the parties could present both patent and FRAND-related issues in a two-
 25 week trial."))

1 week trial.”).) A representative products stipulation in this case is not necessary in light of this
2 Order.

3 **II. ADDITIONAL INFORMATION REQUIRED BY THE DISTRICT'S STANDING
4 ORDER**

5 The parties previously submitted a Joint Case Management Conference Statement (Dkt. 67)
6 that includes additional information required by the District's Standing Order, such as the basis for
7 jurisdiction, the factual background for this case, and the principal disputed legal issues. The parties
8 update this information as follows:

9 Motions. There are no pending motions. The parties submitted a joint letter brief on
10 January 9, 2018 regarding addition of the Samsung Galaxy Note 8 smartphone to Huawei's
11 infringement contentions and narrowed list of accused Samsung products.

12 Huawei plans to file a motion for clarification, or in the alternative seek leave for
13 reconsideration, of the Court's construction of one claim term (Dkt. 168).

14 Huawei would like to discuss with Judge Spero at the Case Management Conference the
15 Court's preferences and procedures for a potential motion to amend infringement contentions to
16 include additional information learned during fact discovery.

17 Discovery Status. The parties have propounded and answered interrogatories and requests
18 for production. Depositions and other discovery, including discovery from third parties, are
19 ongoing.

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1 Dated: January 12, 2018

2 By: /s/ Michael J. Bettinger

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Respectfully Submitted,

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1 **ATTESTATION**

2 Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in
3 the filing of this document has been obtained from the other signatories above.

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5 Dated: January 12, 2018

By: */s/ Michael J. Bettinger*

6 Michael J. Bettinger

7 *Attorneys for Huawei Technologies Co., Ltd.,
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